IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMM.SUIT NO.2529 OF 2004

Arunoday Mills Ltd ... Plaintiff

versus

Shree Ambika Knitting Mils P.Ltd.. Defendants

Mrs H.H.Chande for Plaintiff

CORAM : D.G. KARNIK, J

DATED : 20th April 2005.

P.C:-

1. Heard learned counsel for the plaintiff. None present for the defendant.

2. The plaintiff has filed on record the affidavit of service dated 18th November, 2004 sworn in by Mr M.H.Gulhane bailiff in the office of the Sheriff of Mumbai. Despite service of the writ of summons, the defendant has not filed an appearance.

3. The plaintiff has filed on record the original documents along with the list. The documents are

collectively marked Exhibit A.

4. I have perused the plaint and the documents filed on record. The plaintiff sold, supplied and delivered to the defendant namely combed dyed hosiery yarn under various invoices. Office copies of the invoices and delivery challans are filed on record. The defendant issued 6 cheques of the total value of Rs.8,46,067/-. However, each of the cheque when presented for payment were dishonoured. The original cheques are also filed on record. The plaintiff has also filed on record office copies of the two notices of demand sent to the defendant. Despite the demand, the defendant failed and neglected to make the payment.

5. In the absence of any appearance by the defendant the plaintiff is entitled to a decree under order 37 Rule 2 (3) of the Code of Civil Procedure. Hence, suit of the plaintiff is decreed in terms of para 18 of the plaint. Issue court fee refund as per rules.

D.G.KARNIK, J